

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:11-CR-12-3H2

FILED IN OPEN COURT
ON 4-8-11
Dennis P. Iavarone, Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA)
)
 v.)
)
MAMOUN HASAH WSHAH)

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of Memorandum of Plea Agreement entered into by the defendant, Mamoun Hasan Wshah, on April 8, 2011, the following property is hereby forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C) (as made applicable by 28 U.S.C. § 2461(c)), and Title 26, United States Code, Section 7302, to wit:

- 1) SunTrust Bank Account 373096112 in the name of Nabil Mustafa;
- 2) SunTrust Bank Account 1000109131721 in the name of Z Tobacco and Nabil Mustafa.
- 3) SunTrust Bank Account 1000109131705 1 in the name of Z Tobacco and Nabil Mustafa.
- 4) SunTrust Bank Account 1000109131739 in the name of Z Tobacco 2 and Nabil Mustafa.
- 5) East Carolina Bank Account 34178112 in the name of Mike's Floor Covering and Mamoun Wshah.
- 6) East Carolina Bank Account 34178106 in the name of Mamoun Wshah and another.

7) RBC Bank Account 0222029714 in the name of Sam's Variety & Discount.

8) Bank of America Bank Account 237008694469 in the names of other known individuals.

9) 1999 Ferrari F355 Spider VIN# ZFFXR48AX0113695, not registered, but owned by another known individual.

10) 2008 BMW X-5, VIN# 5UXFE83558L098534, not registered, but owned by another known individual.

11) 2009 Chevrolet Tahoe VIN# 1GNFC33019R107363, North Carolina License Plate Number , registered in the name of another known individual.

12) 2010 Ford F-150, black in color, VIN: 1FTFW1CV5AFC81961, not registered, but owned by another known individual.

13) 2004 BMW 745LI, Unknown VIN, white in color, not registered, but owned by Nabil Mustafa.

14) 2008 Mercedes Benz CLS 55, unknown VIN, black in color, not registered, but owned by Nabil Mustafa.

15) 2005 Chevrolet Silverado, VIN: 1GCHC29U05E251848, North Carolina Registration Number XXX 3128, registered to Mamoun Wshah.

16) 2004 Nissan Titan, VIN: 1N6AA07B24N513636 , North Carolina Registration Number TNR 6813, registered to Mamoun Wshah.

17) 2003 Cadillac Escalade, VIN: NY67666, Wisconsin Registration Number 629 RZS, registered to another known individual.

18) 2005 Honda Pilot, VIN: 5FNYP18695B008302 , North Carolina Registration Number TNY 1077, registered to Sobhi Shehadeh.

Currency:

\$2,463,529.80 in U.S. currency, an amount not currently in the possession of or its whereabouts known to the Government; and

WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said property, pursuant to Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant, Mamoun Hasan Wshah, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(3), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3).

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of

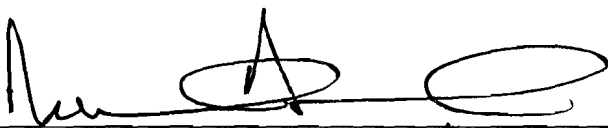
notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture as required by Fed. R. Crim. P. 32.2(c).

5. That upon entry of this Preliminary Order of Forfeiture, the Clerk of Court is directed to enter judgment against that amount of currency forfeited, not in the possession of the Government or its whereabouts known, that is, \$2,463,529.80, subject to the provisions of this Order.

SO ORDERED. This 8th day of April, 2011.


~~MALCOLM J. HOWARD~~ David W. David
~~Senior United States District Judge~~
magistrate